IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.200 OF 2005

Dinesh C. Dubey through C.A.
Girijeshkumar Dubey — Petitioner

versus

Municipal Corporation of
Greater Bombay and others — Respondents

Ms.Sumedha Rao for petitioner.

Ms.A.K.Savla for respondents.

CORAM : H.L.GOKHALE AND
S.C.DHARMADHIKARI, JJ.

DATE : 16th March 2005

PC :

1. Heard Ms.Rao in support of this petition. Ms.Savla appears for respondents. The petitioner was suffering from a problem of Spinal Dural Arteriovenous Malformation. A private consultant Neurologist referred him to KEM Hospital. He was given all necessary treatment including surgery. Thereafter it was felt that he could not be treated further and he should be transferred to Sion Hospital where they have Paraplegic Foundation for further management of such patients. It is at this stage that the present

petition has been filed and a prayer was made that the petitioner should not be discharged from the Hospital.

2. On 17th January 2005 we asked the petitioner to co-operate with the Municipal Authorities and shift to Sion Hospital. Petitioner shifted accordingly. Now in a detailed affidavit affirmed on 31st January 2005 the doctor attached with the Municipal Hospital has stated as to what were the circumstances leading to the transfer of petitioner to Sion Hospital. We do not have any reason to dispute the bonafides of the actions taken by the municipal authorities.

3. Ms.Rao appearing for petitioner states that petitioner should be continued to be treated at Sion Hospital. He will be so continued until the medical authorities of respondents form an opinion that he should be retained in the Hospital for any further improvement. If at any stage they form an opinion that there is no use of keeping the petitioner for treatment, he will be discharged. Similarly, if petitioner wants discharge, he will take the same. Ms.Rao makes a further request that on either of the occasions petitioner should be made available all his case

papers. He may apply to the authorities in that behalf and they will return him those papers on collecting appropriate charges for the same. Petition disposed of.

(H.L.GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)